

The Gazette of India

EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

No. 43] NEW DELHI, FRIDAY, SEPTEMBER 9, 1960/BHADRA 18, 1882

LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th September, 1960:—

BILL No. 72 OF 1960

A Bill further to amend the Employees' Provident Funds Act, 1952.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Employees' Provident Funds (Amendment) Act, 1960.

Short title
and com-
mencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1952.

2. In section 1 of the Employees' Provident Funds Act, 1952 (hereinafter referred to as the principal Act),—

Amendment
of section 1.

10 (i) in sub-section (3), for the word "fifty", wherever it occurs, the word "twenty" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

15 "(5) An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below twenty:

20 Provided that where for a continuous period of not less than one year the number of persons employed therein has been less than fifteen, the employer in relation to such establishment may cease to give effect to the provisions of this Act and any Scheme framed thereunder, with effect from

the beginning of the month following the expiry of the said period of one year, but he shall, within one month of the date of such cessation, intimate, by registered post, the fact thereof to such authority as may be specified by the appropriate Government in this behalf.”. 5

Insertion of
new section
2A.

3. After section 2 of the principal Act, the following section shall be inserted, namely:—

Establish-
ment to
include all
departments
and bran-
ches.

“2A. For the removal of doubts, it is hereby declared that where an establishment consists of different departments or has branches, whether situate in the same place or in different places, 10 all such departments or branches shall be treated as parts of the same establishment.”.

Amendment
of section 6.

4. In section 6 of the principal Act,—

(i) in sub-section (1), for the words “and the dearness allowance” and for the words “and dearness allowance”, the 15 words and brackets “dearness allowance and retaining allowance (if any)” shall be substituted;

(ii) the existing *Explanation* shall be re-numbered as *Explanation* 1, and after *Explanation* 1 as so re-numbered, the following *Explanation* shall be inserted, namely:— 20

‘*Explanation* 2.—For the purposes of this sub-section, “retaining allowance” means an allowance payable for the time being to an employee of any factory or other establishment during any period in which the establishment is not working for retaining his services.’. 25

Amendment
of section 16.

5. In section 16 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) This Act shall not apply—

(a) to any establishment registered under the Co-operative Societies Act, 1912, or under any other law for the 30 2 of 1912. time being in force in any State relating to co-operative societies, employing less than fifty persons and working without the aid of power; or

(b) to any other establishment employing fifty or more persons or twenty or more, but less than fifty, persons until 35 the expiry of three years in the case of the former and five years in the case of the latter, from the date on which the establishment is, or has been, set up.

Explanation.—For the removal of doubts, it is hereby declared that an establishment shall not be deemed to be newly set up merely by reason of a change in its location.”.

6. In section 19A of the principal Act,—

Amendment
of section
19A.

5 (i) clause (ia) shall be re-numbered as clause (ii) thereof;

(ii) after clause (ii) as so re-numbered, for the existing clauses (ii) and (iii), the following clauses shall be substituted, namely:—

10 “(iii) the number of persons employed in an establishment; or

(iv) the number of years which have elapsed from the date on which an establishment has been set up; or”;

(iii) the existing clause (iv) shall be re-numbered as clause (v).

STATEMENT OF OBJECTS AND REASONS

The Employees' Provident Funds Act, 1952, which initially applied to six industries at present applies to 43 industries and establishments and provides the benefit of compulsory contributory provident fund to over 26 lakhs of workers in such industries and establishments. But as the Act is applicable only to establishments employing 50 or more persons, it has not been possible to extend its benefit to employees in establishments employing less than 50 persons. There has been a persistent demand for reduction of the coverage limit to 20 or more persons. It is accordingly proposed to reduce the limit of 50 or more to 20 or more persons. This will considerably widen the scope of the Act.

2. In order to ensure that the establishments once covered under the Act do not go out of the purview of the Act merely due to a small reduction in their strength, provision is being made that an establishment once covered under the Act will continue to be so covered despite a reduction in the employment strength, except where the employment strength is reduced to less than 15 and remains so for a period of one year continuously.

3. It has also been represented that the "retaining allowance" paid to employees in sugar factories during off season is in the nature of wages. It is proposed to make this allowance liable for provident fund contributions in the case of sugar factories and other seasonal establishments to which this Act applies.

4. It is also proposed to exclude registered co-operative societies employing less than 50 persons and working without the aid of power.

5. It is further proposed to grant initial exemption to small-scale and cottage industries employing between 20 and 50 persons for a period of five years.

The Bill seeks to achieve these objects.

GULZARILAL NANDA

NEW DELHI;

The 3rd September, 1960.

FINANCIAL MEMORANDUM

This Bill seeks to bring establishments employing 20 or more persons within the purview of the Employees' Provident Funds Act, 1952, and the Scheme framed thereunder. The Act and the Scheme are already applicable to establishments belonging to Government and employing 50 or more persons. Such establishments employing 20 or more persons, if any, will now come within the purview of the Act. Most of the establishments belonging to the Central Government have provident funds of their own. Therefore, there is no likelihood of any additional expenditure being incurred from the Consolidated Fund of India in respect of contributions to the provident fund. But some expenditure would be involved from the Consolidated Fund of India by way of administrative and inspection charges, which are 3 per cent. and $3/4$ per cent. respectively, of the total of employers' and employees' contributions. It is not, however, possible to estimate this amount.

BILL No. 70 OF 1960

A Bill further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Motor Vehicles (Second Amendment) Act, 1960.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2
of Act 4 of
1939.

2. In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act),—

(i) in clause (9), for the figures and words "18,000 pounds avoirdupois", the figures and word "8,200 kilograms" shall be substituted;

(ii) in clause (10), for the words "five hundredweights", the figures and word "300 kilograms" shall be substituted;

(iii) in clause (13), for the figures and words "6,000 pounds avoirdupois", the figures and word "3,000 kilograms" shall be substituted;

(iv) in clause (17), for the figures and words "900 pounds avoirdupois", the figures and word "500 kilograms" shall be substituted;

Amendment
of section 42.

3. In section 42 of the principal Act, in sub-section (3), clause (i), for the figures and words "1,700 pounds avoirdupois", the figures and word "800 kilograms" shall be substituted.

4. In section 73 of the principal Act, in sub-section (1),—
(i) for the words “one mile”, the figure and word “2 kilometres” shall be substituted;
(ii) for the words “five miles”, the figures and word “10 kilometres” shall be substituted.
5. In the First Schedule to the principal Act,—
(i) in Part III of Form A, in item (b), for the figures and word “25 yards”, the figures and word “25 metres” shall be substituted;
(ii) in Form E, in items 15 and 16, for the abbreviation “lbs.”, wherever it occurs, the abbreviation “kgms.” shall be substituted;
(iii) in Form G, in items 14, 16 and 18, for the abbreviation “lbs.”, wherever it occurs, the abbreviation “kgms.” shall be substituted.
6. In the Second Schedule to the principal Act, in item 4, for the words “twenty-five yards”, the words “twenty-five metres” shall be substituted.
7. In the Third Schedule to the principal Act, in Part II, for the words “twenty-five yards”, the words “twenty-five metres” shall be substituted.
8. In the Eighth Schedule to the principal Act,—
(i) in column 2 under the heading “Maximum speed per hour”,—
(a) for the word “Miles”, the word “Kilometres” shall be substituted;
(b) for the figures “35, 30, 25, 20 and 15”, wherever they occur, the figures “60, 50, 40, 35 and 25” shall respectively be substituted;
(ii) in item 2, for the figures and words “1,700 pounds avoirdupois”, wherever they occur, the figures and word “800 kilograms” shall be substituted.
9. In the Ninth Schedule to the principal Act,—
(1) in Part A,—
(a) in Mandatory Sign No. 1, for the figure and abbreviation “2 FT.”, the figures and abbreviation “60 CM.” and

Amendment
of section 73.Amendment
of the First
Schedule.Amendment
of the
Second
Schedule.Amendment
of the Third
Schedule.Amendment
of the Eighth
Schedule.Amendment
of the Ninth
Schedule.

for the figure and word "9 INCH", the figures and abbreviation "25 CM." shall be substituted;

(b) in Mandatory Sign No. 2,—

(i) for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;

(ii) for the figure and word "8 INCH", the figures and abbreviation "20 CM." shall be substituted;

(iii) for the figures and word "20 INCH", the figures and abbreviation "50 CM." shall be substituted;

(iv) for the word "TONS", the words "METRIC TONS" shall be substituted;

(c) in Mandatory Sign No. 5, for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;

(d) in Mandatory Sign No. 8,—

(i) for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;

(ii) for the figures and word "21 INCH", the figures and abbreviation "55 CM." shall be substituted;

(iii) for the figures and word "15 INCH", the figures and abbreviation "40 CM." shall be substituted;

(2) in Part B, under the heading "General Design",—

(a) for the figures "18'", wherever they occur, the figures and abbreviation "45 cm." shall be substituted;

(b) for the figure and word "3 INCH", the figure and abbreviation "8 CM." shall be substituted;

(c) for the figures "15'", the figures and abbreviation "40 cm." shall be substituted;

(d) for the figure and word "9 INCH", the figures and abbreviation "25 CM." shall be substituted;

(3) in Part C,—

(a) in Informatory Sign No. 1,—

5 (i) for the figures "6, 5, 4, 3, 2, and 1", the figures and abbreviation "200 cm., 160 cm., 130 cm., 100 cm., 60 cm. and 30 cm." shall respectively be substituted;

(ii) for the figure and abbreviation "3 FT.", wherever they occur, the figures and abbreviation "100 CM." shall be substituted;

10 (iii) for the figure and abbreviation "1 FT.", the figures and abbreviation "30 CM." shall be substituted;

(b) in Informatory Sign No. 3, for the word and abbreviation "TWO FT.", the figures and abbreviation "60 CM." shall be substituted;

15 (c) in Informatory Sign No. 4, for the words and abbreviation "TWO FT. SQUARE", the figures, abbreviation and word "60 CM. SQUARE" shall be substituted.

10. In the Tenth Schedule to the principal Act, in item 8, for the words "fifteen miles", the figures and abbreviation "25km." shall be substituted. Amendment
of the Tenth
Schedule.

STATEMENT OF OBJECTS AND REASONS

As a further step towards the introduction of the metric system in the country, it is proposed to introduce metric units in motor transport also. As major industries in the country have adopted or are going to adopt metric weights and measures, it will cause difficulty to industry and trade as well as to other forms of transport, if motor transport continues to use the present system. The State Governments will also find it difficult to enforce two systems of weights and measures, one for the purpose of trade and another for motor transport. It is not, however, possible to adopt the exact equivalents of the existing units in the metric system, since such conversion would result in odd fractional rates in a number of cases, and the operation of such rates would be inconvenient to motor transport as also to the Administration. It is, therefore, proposed to round off the rates suitably resulting in minor variations thereof and amend the Motor Vehicles Act, 1939, for the purpose.

NEW DELHI;
The 26th August, 1960.

RAJ BAHADUR.

BILL No. 58 OF 1960

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure ~~Short title.~~
(Amendment) Act, 1960.

5 S of 1898. 2. In sub-section (1) of section 162 of the Code of Criminal Proce- Amendment
dure, 1898, after the existing proviso, the following further proviso ^{of} section 162.
shall be added, namely:—

10 “Provided further that any witness may be cross examined
with reference to omissions on relevant and vital matters with
the permission of the Court”.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court in *Tehsildar Singh Vs. State of Uttar Pradesh* (A.I.R. 1959 SC 1012) by a majority judgment held that questions relating to omissions in the Statement recorded by a Police Officer in the course of investigation unless by necessary implication be deemed to be its part should not be put in cross examination of the witness in question. The judgment will cause hardship to the accused. This Bill seeks to remove that hardship.

NEW DELHI;
The 6th August, 1960.

K. T. K. TANGAMANI.

BILL No. 65 OF 1960

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (a) This Act may be called the Code of Civil Procedure (Amendment) Act, 1960. Short title and commencement.

5 (b) It shall come into force at once.

V of 1908.

2. In section 92 of the Code of Civil Procedure, 1908,—

Amendment of section 92.

(i) in sub-section (1), for the words “having an interest”, the words “being beneficiaries or having an interest directly or indirectly” shall be substituted; and

10 (ii) after sub-section (1), the following new sub-section shall be inserted, namely:—

“(1A) The consent obtained in writing under sub-section (1) shall also be deemed to have been obtained against the new trustees appointed after obtaining the said consent.”

STATEMENT OF OBJECTS AND REASONS

Under the existing Act only persons having an interest in the trust can obtain the consent of the Advocate General for institution of a suit in cases of alleged breach of trust. Moreover, after obtaining such consent some of the trustees resign and new trustees are appointed with a view to vitiate the proceedings of the suit already instituted. The purpose of the present Bill is to enlarge the scope of Section 92, so that any person being beneficiary or having an interest directly or indirectly in the trust may obtain the required consent and no fresh consent need be obtained against the new trustees.

NEW DELHI;
The 8th August, 1960.

RAM KRISHAN GUPTA.

BILL No. 61 OF 1960

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (a) This Act may be called the Indian Penal Code (Amendment) Act, 1960. Short title
and com-
mencement.

5 (b) It shall come into force at once.

2. In section 405 of the Indian Penal Code, 1860 (hereinafter referred to as the principal Act):— Amendment
of section
405.

(i) after the words 'direction of law', the words "or of any condition, express or implied," shall be inserted;

10 (ii) after the words, 'such trust', the words, "express or constructive", shall be inserted.

3. In section 406 of the principal Act, for the words, "three years or with fine, or with both", the words "five years and shall also be liable to fine" shall be substituted. Amendment
of section
406.

STATEMENT OF OBJECTS AND REASONS

The purpose of the present Bill is to make Section 405 more specific and clear so that action may be taken against any person who violates any express or implied condition of any express or constructive, trust, and also to make the offence of criminal breach of trust more severely punishable.

NEW DELHI;
The 30th August, 1960.

RAM KRISHAN GUPTA.

BILL No. 67 OF 1960

A Bill further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Companies (Amendment) Act, 1960. Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. After section 13 of the Companies Act, 1956 (hereinafter referred to as the principal Act), the following section shall be inserted, Insertion of
new section
13A.
10 namely:—

“13A. Notwithstanding anything contained in the memorandum or articles of association, a Company shall not be entitled to make any contribution to any political party or political fund”. Contribution
to political
party or
fund.

3. In sub-section (1) of section 293 of the principal Act,—

15 (i) in clause (e), the words “and other” shall be omitted;
and

Amendment
of section
293.

(ii) after clause (e), the following new clause shall be added, namely:—

“(f) contribute any sums to any political party or political fund”.

Insertion of
new section
624A.

4. After Section 624 of the principal Act, the following new section shall be inserted, namely:—

Complaint to
Court and
penalty for
the offence.

“624A. (1) Notwithstanding any law for the time being in force, where an offence appears to have been committed under sections 13A and 293, any person, whether a shareholder or not, and whether having any interest in the Company or not, may present a complaint to a Court not inferior to that of a Presidency Magistrate, or a Magistrate of the First Class and such complaint shall be inquired into.

(2) Any person, against whom such offence is proved, shall be punished with imprisonment for a term of two years, or with fine not exceeding twenty-five thousand rupees or with both”.

STATEMENT OF OBJECTS AND REASONS

The purpose of this Bill is to lessen the influence of money power in political life and the consequent corruption in a controlled economy by forbidding the use of corporate funds for political parties and campaigns.

2. A joint stock Company is formed by shareholders of different political and ideological persuasions coming together for a common business venture, and it is no part of the purpose of a Company to subscribe to the funds of any political party whose policies may be repugnant to several shareholders.

3. While parties are essential in a parliamentary democracy and need funds for their operations, such funds should come out of contributions made by their members and sympathisers as citizens and not through those in charge of Companies utilising the funds of shareholders which were never intended for such a purpose.

Hence the Bill.

NEW DELHI;

M. R. MASANI.

The 8th August, 1960.

M. N. KAUL,
Secretary.

